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No. 1501

LAW AND PARLIAMENTARY AFFAIRS' SECRETARIAT

Notification No. LAW 52 LGN 78,

Bangalore dated 26th December 1978.

Ordered that the **Karnataka Ministers' Salaries and Allowances (Amendment) Act, 1978,** which received the assent of the Governor on the Nineteenth day of December, 1978 be published as Karnataka Act No. 32 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 32 OF 1978

(*First published in the* Karnataka Gazette *Extraordinary on the Twenty-sixth day of December* 1978).

THE KARNATAKA MINISTERS SALARIES AND ALLOWANCES (AMENDMENT) ACT, 1978

(*Received the assent of the Governor on the Nineteenth day of December* 1978).

An Act further to amend the Karnataka Ministers Salaries and Allowances Act, 1956.

Whereas it is expedient further to amend the Karnataka Ministers Salaries and Allowances Act, 1956 (Karnataka Act 5 of 1957) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Karnataka Ministers Salaries and Allowances (Amendment) Act, 1978.

(2) This section and section 2, clause (1) of section 6, clause (1) of section 10, clause (1) of section 14, sections 16 and 17 and provisions relating to sumptuary allowance shall come into force at once and other provisions shall be deemed to have come into force on the twenty-third day of March 1972.

2 Amendment of long title, preamble and section 1.—In the long title to, preamble and section 1 of the Karnataka Ministers Salaries and Allowances Act, 1956 (Karnataka Act 5 of 1957) (hereinafter referred to as the principal Act), for the words "Salaries and Allowances" wherever they occur, the words "Salaries, Pensions and Allowances" shall be substituted.

3. Amendment of section 3.—In section 3 of the principal Act, for the words "one thousand and two hundred", the

words " one thousand seven hundred and fifty " shall be substituted and at the end the following shall be added, namely :—

" and a sumptuary allowance of two thousand and four hundred rupees per annum ".

4. Amendment of section 4.—In sub-section (1) of section 4 of the principal Act,—

(1) the words " without payment of rent " shall be omitted ;

(2) for the words " fifteen days ", the words " sixty days " shall be substituted ; and

(3) for the words " three hundred and fifty " the words " five hundred " shall be substituted.

5. Amendment of section 5.—In sub-section (2) of section 5 of the principal Act, for the words " three hundred and fifty ", the words " seven hundred and fifty " shall be substituted.

6. Amendment of section 6.—In sub-section (1) of section 6 of the principal Act,—

(1) in clause (a), the words " and oil " shall be omitted ; and

(2) for clause (b), the following clause shall be substituted, namely :—

"(b) the first two hundred rupees of the aggregate monthly charges for the consumption of electricity and water in the residence"

7. Amendment of section 6A.—In section 6A of the principal Act, for the words " one thousand ", the words "one thousand and five hundred", shall be substituted and at the end, the following shall be added, namely :—

" and a sumptuary allowance of two thousand and four hundred rupees per annum ".

8. Amendment of section 6B.—In sub-section (1) of section 6B of the principal Act,—

(1) the words "without payment of rent" shall be omitted;

(2) for the words "fifteen days", the words "sixty days" shall be substituted; and

(3) for the words, "three hundred and fifty", the words "five hundred" shall be substituted.

9. Amendment of section 6C.—In sub-section (2) of section 6C of the principal Act, for the words "three hundred and fifty", the words "seven hundred and fifty" shall be substituted.

10. Amendment of section 6D.—In sub-section (1) of section 6D of the principal Act,—

(1) in clause (a), the words "and oil" shall be omitted; and

(2) for clause (b), the following clause shall be substituted, namely :—

"(b) the first two hundred rupees of the aggregate monthly charges for the consumption of electricity and water in the residence.".

11. Amendment of section 7.—In section 7 of the principal Act, for the words, "eight hundred", the words "one thousand two hundred and fifty" shall be substituted and at the end the following shall be added, namely :—

"and a sumptuary allowance of one thousand and eight hundred rupees per annum".

12. Amendment of section 8.—In sub-section (1) of section 8 of the principal Act,—

(1) the words "without payment of rent" shall be omitted;

(2) for the words "fifteen days", the words "sixty days" shall be substituted; and

(3) for the words "two hundred and fifty", the words "five hundred" shall be substituted.

13. **Amendment of section** 9.—In sub section (2) of section 9 of the principal Act, for the words "three hundred and fifty", the words "seven hundred and fifty" shall be substituted.

14. **Amendment of section 10.**—In sub-section (1) of section 10 of the principal Act,—

(1) in clause (a), the words "and oil" shall be omitted; and

(2) for clause (b), the following clause shall be substituted, namely:—

"(b) the first two hundred rupees of the aggregate monthly charges for the consumption of electricity and water in the residence."

15. **Insertion of new sections 10A and 10B.**—After section 10 of the principal Act, the following sections shall be inserted, namely:—

"10A. **State Government to bear electricity and water charges in certain other cases.**—In respect of the residence of a Minister, a Minister of State and a Deputy Minister, who does not avail the facility of furnished residence, monthly charges in excess of first two hundred rupees per month for consumption of electricity and water together in his residence shall be borne by the State Government.

10B. **Deductions in respect of house rent etc.**—There shall be deducted every month from the salary payable to a Minister, a Minister of State and a Deputy Minister—

(a) a sum equal to ten per cent of his salary as house rent, if he is in occupation of residence provided by the State Government;

(b) a sum equal to two and a half per cent of his salary as rent of the furnishings of his residence, if the same has been furnished by the State Government.".

16. **Amendment of section 12.**—In section 12 of the principal Act, in sub-section (2),—

(a) in clause (b), for the words "seventy five paise" the words "one rupee" shall be substituted;

(b) in clause (d), for the words "thirty rupees" the words "fifty rupees" shall be substituted;

(c) in the proviso to clause (d), for the words "fifty rupees", the words "seventy five rupees" shall be substituted.

17. **Insertion of new section 12A.**—After section 12 of the principal Act, the following section shall be inserted, namely :—

"12A. **Pension.**—(1) With effect from the date of commencement of section 1 of the Karnataka Ministers Salaries and Allowances (Amendment) Act, 1978 there shall be paid to every person who has served as a Minister, a Minister of State or a Deputy Minister, in the State of Karnataka, after the 1st day of January 1952, for a total period of not less than three years, a pension of five hundred rupees per mensum for the remainder of his life :

Provided that where any person has served as such a Minister, a Minister of State or a Deputy Minister for a period exceeding three years there shall be paid to him an additional pension of fifty rupees per mensum for every year in excess of three years ; so, however, the total pension payable to such a person shall not exceed seven hundred and fifty rupees per mensum.

Explanation 1.—For the purpose of this sub-section, a Minister, a Minister of State or a Deputy Minister, includes a person who prior to the 1st day of November 1956, represented, any of the areas which, with effect on and from the said date, have become part of the new State of Karnataka, as a Member of the Legislative Assembly or of the Legislative Council of the State of which the said areas were part and who was a Minister in such State :

Provided that in the case of a Minister, a Minister of State or a Deputy Minister who was a nominated member

of such Legislative Assembly or the Legislative Council, he shall be eligible for pension, if during his membership of the Legislative Assembly or the Legislative Council as the case may be, he permanently resided in any area which forms part of the State of Karnataka.

Explanation 2.—For the purpose of this sub-section including Explanation 1, the expression 'a Minister' includes.—

(i) a Chairman or a Deputy Chairman of the Legislative Council; or

(ii) a Speaker or a Deputy Speaker of the Legislative Assembly; or

(iii) a Leader of the Opposition or a Government Chief Whip in the Legislative Council or in the Legislative Assembly; or

(iv) a Parliamentary Secretary,

in the State of Karnataka.

(2) Where any person entitled to pension under sub-section (1),—

(i) is elected to the office of the President or Vice-President of India or is appointed to the office of the Governor of any State or the Administrator of any Union Territory; or

(ii) is appointed or elected to the office of a Minister, a Minister of State, a Deputy Minister, the Chairman, the Speaker, the Deputy Chairman, the Deputy Speaker, a Leader of the Opposition or a Government Chief Whip;

(iii) becomes a Member of the Council of States or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State; or

(iv) is employed on a salary in any State Government or Central Government or any Corporation owned or controlled by any State Government or the Central Government or any local authority or becomes otherwise entitled to any remuneration from such Government, corporation or local authority,

such person shall not be entitled to any pension under sub-section (1) for the period during which he continues,

to hold such office or as such member, or is so employed or continues to be entitled to such remuneration;

Provided that where the salary payable to such person for holding such office or being such member or so employed or where the remuneration referred to in clause (iv) payable to such person, is, in either case, less than the pension payable to him under sub-section (1), such person shall be entitled to receive only the balance as pension under that sub-section.

(3) Where any person entitled to receive pension under sub-section (1) is also entitled to any pension from any State Government or the Central Government or any corporation owned or controlled by any State Government or the Central Government or any local authority, under any law or otherwise, then,—

(a) where the amount of pension to which he is entitled under such law or otherwise, is equal to or in excess of that to which he is entitled under sub-section (1), such person shall not be entitled to any pension under the said sub-section; and

(b) where the amount of pension to which he is entitled under such law or otherwise, is less than that to which he is entitled under sub-section (1), such person shall be entitled to receive only the difference as pension under that sub-section."

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Dept. of Law and Parliamentary Affairs.

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